

## REMARKS

Claims 5-11 are original in the application. In the Office Action of September 28, 1995, the Examiner rejects claims 5-11. In the present amendment, Applicants amend Claims 8, 9 and 11.

### Objections to Drawings:

FIG. 2 is objected to because an arrow from Threshold Control 209 appears to be pointed in the wrong direction. Applicants propose a corrective amendment in the accompanying Request for Approval of Amendments to Drawings.

### Rejections under 35 USC § 103:

Claims 5-6 and 8 stand rejected under § 103 as being unpatentable over applicant's FIG. 1 in view of *Katsuyama, et al.* (hereinafter *Katsuyama*). Regarding claim 5, after careful consideration of the Examiner's position, Applicants assert that *Katsuyama* does not teach or suggest the comparing and adjusting steps of Applicants' invention. In *Katsuyama*, no comparison is made between a maximum gain setting and a summation signal, or any signal. Furthermore, in *Katsuyama*, if the power control command is requesting the highest output power from the amplifier, and at the same time the case temperature of the portable telephone is greater than 72.5°C, then the maximum gain setting itself is adjusted. This is in sharp contrast to the present invention, where the variable gain amplifier is adjusted in response to the maximum gain setting if the summation signal is greater than or equal to the maximum gain setting. Thus, Applicants respectfully request withdrawal of the rejection of claim 5.

Regarding claim 6, Applicants assert that it is likewise allowable as being properly dependent from claim 5, and thus forward the same arguments as were made with regard to claim 5. Additionally, Applicants assert that in *Katsuyama*, the temperature measurement is made of the casing of the mobile radio (See Col. 3; lines 33-37) as opposed to the variable gain amplifier itself. The motivation for temperature measurement in *Katsuyama* is to prevent overheating of the components, thus prolonging their active service life. *Katsuyama* does not teach or suggest that the maximum gain setting should be adjusted for temperature in order

to compensate for temperature-induced gain errors (See Spec. pg. 6, lines 22-30). Thus, applicants respectfully request withdrawal of the rejection of claim 6.

Regarding claim 8, Applicants forward the same arguments as were forwarded with regard to claims 5 and 6. Furthermore, the Examiner states that the prohibiting step merely prohibits "the power control commands from changing the gain when the summation signal is greater than the maximum gain." Applicants amend claim 8 to clarify that the gain adjust signal is prohibited from increasing if the summation signal is greater than or equal to the adjusted maximum gain setting. The power control commands may still be used to change the gain adjust signal if they cause it to decrease, even if the summation signal is greater than or equal to the adjusted maximum gain setting (See Spec. pg. 7, lines 8-16). *Katsuyama* does not teach or suggest this aspect of the present invention. Thus, Applicants respectfully request withdrawal of the rejection of claim 8.

Claim 7 stands rejected under 35 USC §103 as being unpatentable over Applicants' FIG. 1, in view of *Katsuyama* as applied to claims 5-6, in further view of *Machida, et al* (hereinafter *Machida*). The Examiner states that although *Katsuyama* and Applicants' FIG. 1 fail to disclose using detected output power to modify the maximum gain setting, that *Machida* discloses such a technique. Applicants forward the same arguments as were forwarded with regard to claims 5 and 6. Furthermore, after careful review of *Machida*, Applicants assert that it does not disclose detection of output power. The "gain compensator" of *Machida* measures temperature only. (Compare FIG. 1 with FIG. 3 of *Machida* and note that PA output 12 of FIG. 1 is not found in FIG. 3. Also note detailed description of "gain compensator" in Col. 3; lines 27-40 does not mention output power measurement, only temperature measurement). Thus, Applicants respectfully request withdrawal of the rejection of claim 7.

Claims 9-11 stand rejected under 35 USC § 103 as being unpatentable over Applicants' FIG. 1 in view of the publication "CDMA Network Engineering Handbook", Chapter 8 (hereinafter "CDMA Handbook"). Regarding claim 9, the Examiner notes that Applicants' FIG. 1 "fails to specifically show the claimed detecting, digitizing and comparing steps." However, the Examiner states that these steps would have been obvious given the reference in the CDMA Handbook to a "maximum allowed transmit power." After careful consideration of the Examiner's position, Applicants assert that the CDMA Handbook fails to teach or suggest the

detecting, digitizing and comparing steps. Specifically, the CDMA Handbook merely discloses open loop estimation of the base station's transmit power (to determine path loss), it does not teach actual detection of the mobile station's transmit power. Furthermore, the CDMA Handbook does not teach or suggest the comparison of the mobile station's actual transmit power to the maximum gain setting. Applicants amend claim 9 similarly to claim 8 with regard to the prohibiting step. Thus, Applicants respectfully request withdrawal of the rejection of claim 9.


Regarding claim 10, the Examiner states that the additional limitation of decreasing the gain adjust signal by a predetermined amount for every predetermined unit of time would have been obvious to one of ordinary skill in the art. However, the Examiner cites no art in support of this position. Applicants forward the same arguments that were made with respect to claim 9. Thus, Applicants respectfully request withdrawal of the rejection of claim 10.

Regarding claim 11, the Examiner states that the integrating step would have been obvious to one of ordinary skill in the art. However, the Examiner cites no art in support of this position. Applicants forward the same arguments that were made with respect to claim 9. Also, Applicants amend claim 11 similarly to claim 8 with regard to the prohibiting step. Thus, Applicants respectfully request withdrawal of the rejection of claim 11.

Applicants believe that the above amendments do not add new matter to the application. Applicants thus respectfully request examination of the amended application and allowance of all claims as presented.

Respectfully submitted,

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